

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

Z.J.,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:17-cv-00936
)	CHIEF JUDGE CRENSHAW
VANDERBILT UNIVERSITY,)	
)	
Defendant.)	


ORDER

The federal claims in this case are based, primarily, on allegations that Vanderbilt University violated Title IX of the Education Amendments of 1972 (“Title IX”) through enforcement of its student sexual misconduct policy against the Plaintiff. Vanderbilt has filed a motion to dismiss (Doc. No. 7.)

On February 9, 2018, the United States Court of Appeals for the Sixth Circuit issued a decision in Doe v. Miami Univ., et al., No. 17-3396, slip op. (6th Cir. Feb. 9, 2018). This decision contains an extensive discussion of Title IX claims and law that is relevant to this case. The Court notes that the Sixth Circuit has now, among other things, clearly adopted in a published opinion, “four theories of liability that a student who is ‘attacking a university disciplinary proceeding on grounds of gender bias,’ Yusuf v. Vassar Coll., 35 F.3d 709, 715 (2d Cir. 1994), can potentially assert under Title IX. These theories are: (1) ‘erroneous outcome,’ (2) ‘selective enforcement,’ (3) ‘deliberate indifference,’ and (4) ‘archaic assumptions.’” Doe v. Miami Univ., No. 17-3396, slip op. at 9. Plaintiff’s claim must be considered in light of Doe. Accordingly, the pending motion to dismiss is **DENIED WITHOUT PREJUDICE**.

Plaintiff is **GRANTED** leave to file an Amended Complaint **no later than March 9, 2018**. If Plaintiff chooses to do so, he should clarify which of the theories of Title IX liability are asserted. Vanderbilt **SHALL** file a responsive pleading in the time proscribed by the Federal Rules of Civil Procedure. If Plaintiff chooses to not file an Amended Complaint by March 9, Vanderbilt **SHALL** file a responsive pleading to the existing Complaint (including, if it desires, a new motion to dismiss) **no later than April 6, 2018**.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE